
SO ORDERED,



A handwritten signature in black ink, reading "Selene D. Maddox".

Judge Selene D. Maddox

United States Bankruptcy Judge

The Order of the Court is set forth below. The case docket reflects the date entered.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: JERRY AND NANCY MCLARTY

CASE NO.: 25-11845-SDM

DEBTORS

CHAPTER 12

ORDER GRANTING MOTION FOR EXPEDITED HEARING

Before the Court is the *Motion for Expedited Hearing* (Dkt. #6) filed by the Debtor in connection with its *Motion to Use Cash Collateral* (Dkt. #5). After review, the Court finds that the Motion for Expedited Hearing should be granted.

Accordingly, it is hereby **ORDERED** that the *Motion for Expedited Hearing* (Dkt. #6) is **GRANTED**, and an expedited in-person hearing on the shall be held on the *Motion to Use Cash Collateral* (Dkt. #5) on **Monday, June 23, 2025, at 10:00 a.m.** at the Thad Cochran U.S. Courthouse, 703 Hwy 145 North, Aberdeen, MS 39730.

It is further, **ORDERED**, that:

- (1) Any objections to the *Motion to Use Cash Collateral* shall be filed no later than **5:00 p.m. CST on Friday, June 20, 2025.**
- (2) Counsel for the Debtor who requested this expedited hearing shall serve a copy of this Order granting the *Motion for Expedited Hearing* and the underlying *Motion to use*

Cash Collateral on all parties required to be served under the Federal Rules of Bankruptcy Procedure by the most expeditious method(s) possible, e.g., via email; and
(3) Debtor's counsel shall also file a Certificate of Service with this Court, indicating the date, time and method(s) of service prior to the expedited hearing.

##END OF ORDER##

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: Jerry Wayne McLarty
Nancy Sue McLarty**

**Case No. 25-11845-SDM
CHAPTER 12**

MOTION TO EXPEDITE HEARING

COMES NOW, Jerry Wayne MacLarty and Nancy Sue McLarty (Debtors) by and through counsel, and moves this Court to order an expedited preliminary hearing on the *Motion and Final Orders Authorizing Use of Cash Collateral* (Dk # 5), and in support thereof, would respectfully show the Court as follows:

1. Debtors are the duly qualified, and acting, Debtor-in-possession. Debtor continues to operate its business as debtor-in-possession.
2. Debtors have filed a *Motion and Final Orders Authorizing Use of Cash Collateral* (Dk#5) seeking authority of the Court to use cash collateral and for other relief.
3. Debtors would respectfully show unto the Court that debtor has an immediate business need to use cash collateral to continue operations, acquire goods and services and other necessary business expenses. Failure to do so would irreparably harm the business.

WHEREFORE, Debtors pray for an Order granting this motion and entering an order expediting a preliminary hearing on the Cash Collateral Motion.

Respectfully Submitted,

Jerry Wayne McLarty and Nancy Sue McLarty

/s/ Thomas C. Rollins, Jr.

Thomas C. Rollins, Jr., MSB 103469

The Rollins Law Firm, PLLC

P.O. Box 13767,

Jackson, MS 39236

trollins@therollinsfirm.com

601-500-5533

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: Jerry Wayne McLarty
Nancy Sue McLarty, Debtors**

**Case No. 25-11845-SDM
CHAPTER 12**

MOTION FOR AUTHORITY TO USE CASH COLLATERAL

COME NOW the Debtors, Jerry Wayne McLarty and Nancy Sue McLarty (“Debtors”), by and through counsel, and pursuant to 11 U.S.C. § 363(c) and Rule 4001 of the Federal Rules of Bankruptcy Procedure, file this Motion for Authority to Use Cash Collateral, and in support thereof state the following:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. § 1409.
2. The Debtors filed a voluntary petition for relief under Chapter 12 of Title 11 of the United States Code on June 3, 2025. The Debtors are engaged in the business of farming.
3. Simplot (a/k/a JSI Farmline ET, LLC and Pinnacle Agriculture Distribution, Inc.), located at P.O. Box 27, Boise, ID 83707-0027, and other associated addresses, holds a security interest in crops, equipment, inventory, accounts, and proceeds, which includes cash collateral as defined under 11 U.S.C. § 363(a).
4. The Debtors require use of cash collateral in order to continue operating their farm and to pay ordinary and necessary business and personal expenses. These expenses include insurance, fuel, product supplies, wages, repairs, utilities, and personal living expenses. Continued operations are necessary to preserve the value of the estate and maximize recovery for creditors

5. A 30-day budget is attached hereto as Exhibit A, reflecting projected farm and personal expenses in the total amount of \$23,185.44 for farm operations and \$5,913.68 for personal expenses.
6. The Debtors propose to provide adequate protection to Simplot by preserving and maintaining the value of the collateral through continued operations, and by accounting for and segregating proceeds of crops and farm revenue. The Debtors will maintain detailed records of income and expenses and will provide monthly operating reports to the Chapter 12 Trustee and Simplot upon request.
7. The Debtors respectfully request authority to use cash collateral in accordance with the attached budget, pending a final hearing or agreement with Simplot. The Debtors also request that the Court schedule an expedited preliminary hearing pursuant to Rule 4001(b).

WHEREFORE, PREMISES CONSIDERED, the Debtors pray that this Court enter an order authorizing the use of cash collateral as requested herein, and for such other and further relief as is just and proper.

Respectfully submitted,

Jerry Wayne McLarty and Nancy Sue McLarty

BY: /s/ Thomas C. Rollins, Jr.

Thomas C. Rollins, Jr.

Thomas C. Rollins, Jr. (MSBN 103469)
The Rollins Law Firm, PLLC
P.O. Box 13767
Jackson, MS 39236
601-500-5533

Fill in this information to identify your case:

Debtor 1 Jerry Wayne McLarty

Debtor 2 Nancy Sue McLarty
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN DISTRICT OF MISSISSIPPI

Case number
(If known) _____

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 1061

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

How long employed there?

Debtor 1

- ☒ Employed
- ☐ Not employed

Debtor 2 or non-filing spouse

- ☒ Employed
- ☐ Not employed

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ 0.00	\$ 0.00
3. Estimate and list monthly overtime pay.	+\$ 0.00	+\$ 0.00
4. Calculate gross income. Add line 2 + line 3.	\$ 0.00	\$ 0.00

DEBTOR'S EXHIBIT

A

The Rollins Law Firm, PLLC

Debtor 1 **Jerry Wayne McLarty**
Debtor 2 **Nancy Sue McLarty**

Case number (if known)

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ 0.00	\$ 0.00
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$ 0.00	\$ 0.00
5b. Mandatory contributions for retirement plans	5b. \$ 0.00	\$ 0.00
5c. Voluntary contributions for retirement plans	5c. \$ 0.00	\$ 0.00
5d. Required repayments of retirement fund loans	5d. \$ 0.00	\$ 0.00
5e. Insurance	5e. \$ 0.00	\$ 0.00
5f. Domestic support obligations	5f. \$ 0.00	\$ 0.00
5g. Union dues	5g. \$ 0.00	\$ 0.00
5h. Other deductions. Specify:	5h. + \$ 0.00	+ \$ 0.00
6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ 0.00	\$ 0.00
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ 0.00	\$ 0.00
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 106,854.67	\$ 0.00
8b. Interest and dividends	8b. \$ 0.00	\$ 0.00
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ 0.00
8d. Unemployment compensation	8d. \$ 0.00	\$ 0.00
8e. Social Security	8e. \$ 1,928.00	\$ 0.00
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify:	8f. \$ 0.00	\$ 0.00
8g. Pension or retirement income	8g. \$ 0.00	\$ 0.00
8h. Other monthly income. Specify:	8h. + \$ 0.00	+ \$ 0.00
9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ 108,782.67	\$ 0.00
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 108,782.67 + \$ 0.00 = \$ 108,782.67	
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify:	11. +\$ 0.00	
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the <i>Summary of Schedules</i> and <i>Statistical Summary of Certain Liabilities and Related Data</i> , if it applies	12. \$ 108,782.67	Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form?		
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain:		

\$ 23,185.44

Fill in this information to identify your case:

Debtor 1 Jerry Wayne McLarty

Debtor 2 Nancy Sue McLarty
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN DISTRICT OF MISSISSIPPI

Case number
(If known) _____

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☐ No. Go to line 2.

☒ Yes. Does Debtor 2 live in a separate household?

☒ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☒ No

Do not list Debtor 1 and Debtor 2.

☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

- ☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No
☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 0.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 250.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 0.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Jerry Wayne McLarty**
Debtor 2 **Nancy Sue McLarty**

Case number (if known) _____

6. Utilities:		
6a. Electricity, heat, natural gas	6a. \$	205.00
6b. Water, sewer, garbage collection	6b. \$	64.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	400.00
6d. Other. Specify: _____	6d. \$	0.00
7. Food and housekeeping supplies	7. \$	938.00
8. Childcare and children's education costs	8. \$	0.00
9. Clothing, laundry, and dry cleaning	9. \$	181.00
10. Personal care products and services	10. \$	91.00
11. Medical and dental expenses	11. \$	120.00
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	300.00
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$	75.00
14. Charitable contributions and religious donations	14. \$	350.00
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a. \$	138.77
15b. Health insurance	15b. \$	772.82
15c. Vehicle insurance	15c. \$	0.00
15d. Other insurance. Specify: Insurance - farm, home	15d. \$	1,757.09
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. \$	0.00
17. Installment or lease payments:		
17a. Car payments for Vehicle 1	17a. \$	0.00
17b. Car payments for Vehicle 2	17b. \$	0.00
17c. Other. Specify: _____	17c. \$	0.00
17d. Other. Specify: _____	17d. \$	0.00
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. \$	0.00
19. Other payments you make to support others who do not live with you.	\$	0.00
Specify: _____	19.	
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.		
20a. Mortgages on other property	20a. \$	0.00
20b. Real estate taxes	20b. \$	0.00
20c. Property, homeowner's, or renter's insurance	20c. \$	0.00
20d. Maintenance, repair, and upkeep expenses	20d. \$	0.00
20e. Homeowner's association or condominium dues	20e. \$	0.00
21. Other: Specify: Misc Expenses (IRS Standards)	21. +\$	271.00
22. Calculate your monthly expenses		
22a. Add lines 4 through 21.	\$	5,913.68
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$	
22c. Add line 22a and 22b. The result is your monthly expenses.	\$	5,913.68
23. Calculate your monthly net income.		
23a. Copy line 12 (<i>your combined monthly income</i>) from Schedule I.	23a. \$	108,782.67
23b. Copy your monthly expenses from line 22c above.	23b. -\$	5,913.68
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$	102,868.99
24. Do you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes. Explain here: _____		

CERTIFICATE OF SERVICE

I, Thomas C. Rollins, Jr., do hereby certify that a true and correct copy of the above and foregoing Motion for Authorizing to Use Cash Collateral and Motion and Order Granting for Expedited Hearing was forwarded on June 18, 2025 to:

By First Class Mail:

Simplot
P.O. Box 27
Boise, ID 83707-0027

JSI Farmline ET, LLC
1880 Fall River Dr. Suite 100
Loveland, CO 80538

Pinnacle Agriculture Distribution, Inc.
P.O. Box 1169
Cleveland, MS 38232-1169

By Electronic CM/ECF Notice:

U.S. Trustee

Harold J. Barkley, Jr. Chapter 12 Trustee

/s/ Thomas C. Rollins, Jr.
Thomas C. Rollins, Jr. (MSBN 103469)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE:

Jerry Wayne McLarty
Nancy Sue McLarty

CASE NO: 25-11845

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 12

On 6/18/2025, I did cause a copy of the following documents, described below,
Order Granting Motion for Expedited Hearing and Motion to Authority to Use Cash Collateral

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 6/18/2025

/s/ Thomas C. Rollins, Jr.
Thomas C. Rollins, Jr.

The Rollins Law Firm
702 West Pine St
Hattiesburg, MS 39401
601 500 5533
trollins@therollinsfirm.com

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE:

Jerry Wayne McLarty
Nancy Sue McLarty

CASE NO: 25-11845

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 12

On 6/18/2025, a copy of the following documents, described below,

Order Granting Motion for Expedited Hearing and Motion to Authority to Use Cash Collateral

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 6/18/2025



Miles Wood
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Thomas C. Rollins, Jr.
The Rollins Law Firm
702 West Pine St
Hattiesburg, MS 39401

USPS FIRST CLASS MAIL PERMIT NO. 4011 BOISE ID
Parties with names struck through or labeled NM/NOT SERVICE may not serve via First Class USPS Mail Service.
FIRST CLASS
SIMPLOT
P.O. BOX 27
BOISE ID 83707-0027

FIRST CLASS
PINNACLE AGRICULTURE DISTRIBUTION, INC.
P.O. BOX 1169
CLEVELAND MS 38232-1169

FIRST CLASS
JSI FARMLINE ET, LLC
1880 FALL RIVER DR. SUITE 100
LOVELAND CO 80538